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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,473	12/31/2003	Kavin Du	121532	3931

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EXAMINER
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SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/749,473

Applicant(s)

DU ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 September 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.
3. The applicant argued in substance the newly added limitations of independent claims 1, 12, 22, and 30. However, the new grounds teach these and the added features. The applicant furthermore argued the dependent claims, however, the examiner maintains that the prior art of record teach all limitations of the dependent claims. See rejections below.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 1-6, 9, 11-16, 19, 21-24, 27, and 29-35 are rejected under 35 U.S.C.

103(a) as being unpatentable over Kinjo (2003/0063575) and Flaherty (2003/0115152).

6. As per claim 1, Flaherty teaches a method for communicating information regarding a selected item to a user present at a location of a first retail entity (see Flaherty, ¶ 34), the method comprising: while the user remains present at the location of the first retail entity, which first retail entity is different than a second retail entity, the second retail entity (see Flaherty, ¶ 14): receiving a request from a user using a device (see Flaherty, ¶ 15), using the identifying data to obtain item information associated with the selected item (see Flaherty, ¶ 18); communicating the item information from the second retail entity to the device for delivery to the user (see Flaherty, ¶ 19). But fails to teach receiving an image from a user using an imaging device, wherein the image contains identifying data associated with the selected item as provided by the first retail entity; extracting the identifying data from the image. However, Kinjo teaches receiving an image from a user using an imaging device (see Kinjo, ¶ 133), wherein the image contains identifying data associated with the selected item as provided by the first retail entity (see Kinjo, ¶ 134); extracting the identifying data from the image (see Kinjo, ¶ 34). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Flaherty to receiving an image from a user using an imaging device, wherein the image contains identifying data associated with the selected item as provided by the first retail entity; extracting the identifying data from the image in order to provide an order processing apparatus and an image photographing device with

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which a customer can easily place an order corresponding to images displayed on a display medium (see Kinjo, ¶ 8).

7. As per claims 2-6, 9, 11, 13, 14, and 29, the above-mentioned motivation of claim 1 applies fully in order to combine Flaherty and Kinjo.

8. As per claim 2, Flaherty and Kinjo teach a second retail entity (see Flaherty, ¶ 20) and Kinjo teaches a method, further comprising outputting the item information on a visual display of the imaging device when the item information is communicated from the second entity to the imaging device (see Kinjo, ¶ 125).

9. As per claim 3, Flaherty and Kinjo teach a second retail entity (see Flaherty, ¶ 20) and Kinjo teaches a method, further comprising outputting the item information on an audio speaker of the imaging device when the item information is communicated from the second entity to the imaging device (see Kinjo, ¶ 58).

10. As per claim 4, Kinjo-Flaherty teach a method, wherein the imaging device is a digital camera capable of communicating the image containing the identifying data (see Kinjo, ¶ 14).

11. As per claim 5, Kinjo-Flaherty teach a method, wherein the imaging device is a mobile telephone having a component for capturing an image containing the identifying data (see Kinjo, ¶ 14).

12. As per claim 6, Kinjo-Flaherty teach a method, wherein the imaging device is a portable computing device having a component for capturing an image containing the identifying data (see Kinjo, ¶ 126).

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13. As per claim 9, Kinjo-Flaherty teach a method, wherein the item information comprises price information for the selected item associated with the identifying data (see Kinjo, ¶ 132).
14. As per claim 11, Kinjo and Flaherty teach a method, wherein the first retail entity and the second retail entity are located remote from each other (see Flaherty, ¶ 30).
15. As per claim 13, Kinjo-Flaherty teach a system, wherein the resource is a Web service storing information related to the selected item (see Kinjo, ¶ 124).
16. As per claim 14, Kinjo-Flaherty teach a system, wherein the resource is a database storing information related to the selected item (see Kinjo, ¶ 82).
17. As per claim 29, Kinjo-Flaherty teach a computer-readable medium, wherein extracting identifying data associated with the selected item from the image includes processing the image with an optical character recognition program to produce the identifying data (see Kinjo, ¶ 124).
18. As per claim 30, Flaherty teaches an integrated portable apparatus for obtaining item information for a selected item at a location of a first retail entity (see Flaherty, ¶ 34), the apparatus comprising: an output device for outputting item information for the selected item as obtained from a second entity that is different than the first retail entity (see Flaherty, ¶ 14); obtaining the item information for the selected item by communicating request containing the identifying data to the second retail entity (see Flaherty, ¶ 18); outputting on the output device the item information obtained from the second retail entity, wherein the output device communicates the item information to a user (see Flaherty, ¶ 19). But fails to teach communicating an image containing

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identifying data; an input device for capturing an image of the selected item that contains identifying data associated with the selected item as provided by the first retail entity; a storage medium for storing said identifying data and program instructions for processing the image; and a processing unit communicatively coupled to the input device, while the user remains at the location of the first retail entity; the output device and the storage medium for executing the program instructions that process the image. However, Kinjo teaches communicating an image containing identifying data (see Kinjo, ¶ 133); an input device for capturing an image of the selected item that contains identifying data associated with the selected item as provided by the first retail entity (see Kinjo, ¶ 144); a storage medium for storing said identifying data and program instructions for processing the image (see Kinjo, ¶ 67); and a processing unit communicatively coupled to the input device, while the user remains at the location of the first retail entity (see Kinjo, ¶ 133-134); the output device and the storage medium for executing the program instructions that process the image (see Kinjo, ¶ 126). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Flaherty to communicating an image containing identifying data; an input device for capturing an image of the selected item that contains identifying data associated with the selected item as provided by the first retail entity; a storage medium for storing said identifying data and program instructions for processing the image; and a processing unit communicatively coupled to the input device, while the user remains at the location of the first retail entity; the output device and the storage medium for executing the program instructions that process the image in order to provide an order

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processing apparatus and an image photographing device with which a customer can easily place an order corresponding to images displayed on a display medium (see Kinjo, ¶ 8).

19. As per claims 31-35, the above-mentioned motivation of claim 30 applies fully in order to combine Flaherty and Kinjo.

20. As per claim 31, Kinjo-Flaherty teach an apparatus, wherein the processing unit further executes program instructions that process the image by extracting the identifying data from the image (see Kinjo, ¶ 35).

21. As per claim 32, Kinjo-Flaherty teach an apparatus, wherein the identifying data is barcode data (see Kinjo, ¶ 34) and the processing unit extracts the barcode data by executing a barcode recognition program that operates on the image (see Kinjo, ¶ 124).

22. As per claim 33, Kinjo-Flaherty teach an apparatus, wherein the identifying data is text data and the processing unit extracts the text data by executing an optical character recognition program that operates on the image (see Kinjo, ¶ 124).

23. As per claim 34, Kinjo teaches communicating an image (see Kinjo, ¶ 133) and Flaherty teaches an apparatus, wherein the processing unit communicates a request to a server operated by the second retail entity at a location remote from the first retail entity, wherein the server extracts the identifying data from the request (see Flaherty, ¶ 33).

24. As per claim 35, Kinjo and Flaherty teach an apparatus, wherein the item information for the selected item is obtained by retrieving item information from a



database maintained on behalf of the second retail entity, wherein the item information corresponds to the identifying data for the selected item (see Flaherty, ¶ 30).

25. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo and Flaherty as applied to claim 1 above, and further in view of Gottfurcht et al. (6,611,881). Kinjo and Flaherty teach the mentioned limitations of claim 1 above and furthermore Kinjo teaches based on a number of times an image has been received from different imaging devices, said image containing identifying data associated with the selected item (see Kinjo, ¶ 110). But fail to teach a method wherein the method further comprises: compiling historical data; using the historical data to estimate consumer demand for the selected item; and generating a report that forecasts future purchasing activity for the selected item based on the estimated consumer demand. However, Gottfurcht et al. teaches a method wherein the method further comprises: compiling historical data (see Gottfurcht et al., col. 4, lines 42-67); using the historical data to estimate consumer demand for the selected item (see Gottfurcht et al., col. 25, lines 12-30); and generating a report that forecasts future purchasing activity for the selected item based on the estimated consumer demand (see Gottfurcht et al., col. 25, lines 31-54). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo and Flaherty to a method wherein the method further comprises: compiling historical data; using the historical data to estimate consumer demand for the selected item; and generating a report that forecasts future purchasing activity for the selected item based on the estimated consumer demand in order to track group members' activity data and view the amount of time group members spend at

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various web sites, both by category or type of web site and create additional group patterns and group web habit data which result in further recommendations (see Gottfurcht et al., col. 25, line 55-col. 26, line 10).

26. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo and Flaherty as applied to claim 1 above, and further in view of Clendinning et al.

(2002/0107861). Kinjo and Flaherty teach the mentioned limitations of claim 1 above but fail to teach a method, wherein the item information comprises rating information for the selected item associated with the identifying data. However, Clendinning et al. teaches a method, wherein the item information comprises rating information for the selected item associated with the identifying data (see Clendinning et al., ¶ 42). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo and Flaherty to a method, wherein the item information comprises rating information for the selected item associated with the identifying data in order to provide a system and method for collecting and displaying information about a product or other data object at a website server (see Clendinning et al., ¶ 19).

27. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo and Flaherty as applied to claim 1 above, and further in view of Meyerson et al.

(5,818,028). Kinjo and Flaherty teach the mentioned limitations of claim 1 above but fails to teach a method, wherein the identifying data comprises a universal product code. However, Meyerson et al. teaches a method, wherein the identifying data comprises a universal product code (see Meyerson et al., col. 1, lines 47-61). It would

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have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo and Flaherty to a method, wherein the identifying data comprises a universal product code in order to provide inventory control, tracking, production control and expediting, quality assurance and other purposes (see Meyerson et al., col. 1, lines 28-45).

28. Claims 12 and 15-28 have similar limitations as to claims 1-11, 13, 14, and 29-35 therefore, they are being rejected under the same rationale.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571) 272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER